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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,082	10/31/2003	Kazuo Okada	SHO-0039	9727

23353 7590 09/28/2006

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EXAMINER

THOMASSON, MEAGAN J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,082

Applicant(s)

OKADA, KAZUO

Examiner

Meagan Thomasson

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/19/04, 4/6/05, 6/2/06, 6/30/06.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-3 are rejected on the ground of nonstatutory double patenting over claims 1-3 of U. S. Patent No. 6,937,298 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, the common subject matter comprising a gaming machine having a liquid crystal display in combination with a plurality of reels for the purpose of enhancing player enjoyment.

The limitation that the gaming machine, namely a slot machine as disclosed in claim 3, comprise variable display means (claim 1) wherein said variable display means is one or more rotatable wheels each having a reel band thereon, on which said designs are drawn (claim 2), is met by claim 1 of US 6,937,298, stated as "a variable display device disposed at a rear of the liquid crystal display ... and including a plurality of reels provided in a row each on which a plurality of symbols are arranged" (column 10, lines 42-46).

The claim language of US 6,937,298 further discloses a liquid crystal display panel (claim 1, column 10 line 35) disposed in front of the variable display device (claims 1, column 10, lines 42-43), a light guiding plate for guiding light to the rear of the liquid crystal display panel (claim 1, column 10 lines 36-38), and light diffusing means for diffusing the light guided by the light guiding plate (claims 2, column 10, lines 56-58).

The claim language of US 6,937,298 does not disclose a transparent plate disposed in front of the base frame, however, it would have been obvious at the time of the invention to include said transparent plate. This is made evident by the specification of US 6,937,298 wherein said transparent plate is disclosed in column 5, lines 45-46, stating that the liquid crystal display apparatus "includes protective glass 171 of the first layer provided in front of the liquid crystal display", as shown in figure 3.

In addition, various supporting structures for holding the liquid crystal display and its components in place, although they are not disclosed, would have been obvious at the time of the invention. For example, figure 3 and column 4, lines 44-50 of US patent

number 6,513,943 disclose a display unit featuring multiple frame holders for the purpose of security the display device in a stationary manner.

Therefore, it is concluded that the addition of a transparent plate and mounting structure is not new, novel, or un-obvious to one of ordinary skill in the art and the addition of such features does not render the application patentably distinct.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:

- Bonsall et al. (US 5,636,101) discloses a touch screen enclosure system.
- Hedrick et al. (US 6,135,884) discloses a gaming machine having secondary display for providing video content.
- Lee (US 6,802,575) discloses a rack mount.
- Sun (US 6,219,228) discloses a desktop liquid crystal display computer.
- Hedrick et al. (US 6,820,875) discloses modular cabinets and replaceable laminate panels for a gaming device.
- Yoshinaga et al. (US 5,372,745) discloses a liquid crystal device, display apparatus using the same and display method using the same.
- Jeony (US 2003/0016313) discloses a liquid crystal display device.
- Ozaki et al. (US 2001/0031658) discloses a pattern display device and game machine including the same.

Art Unit: 3714

- Montegi et al. (US 6,817,946) discloses a virtual image and real image superimposed display device, image display control method, and image display control program.
- Loose et al. (US 6,517,433) discloses a reel spinning slot machine with superimposed video image.
- Paulsen et al. (US 2003/0060269) discloses a gaming machine reel having a flexible dynamic display.
- Nobuo (JP 07-124290) discloses a slot machine featuring a liquid crystal display.
- Osawa et al. (JP 10-244054) discloses a liquid crystal display for pachinko game machine.
- Okada (US 4,718,672) discloses a slot machine featuring a liquid crystal display.

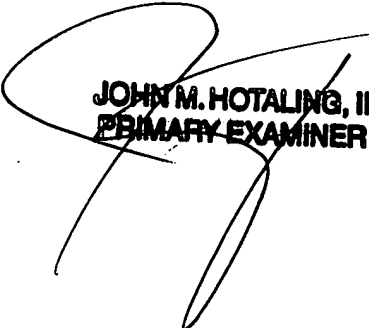
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
20 September, 2006



JOHN M. HOTALING, II
PRIMARY EXAMINER